

House Engrossed

State of Arizona
House of Representatives
Forty-fifth Legislature
First Regular Session
2001

CHAPTER 47
HOUSE BILL 2379

AN ACT

AMENDING TITLE 15, CHAPTER 7, ARTICLE 4, ARIZONA REVISED STATUTES, BY ADDING
SECTION 15-773; RELATING TO SPECIAL EDUCATION.

(TEXT OF BILL BEGINS ON NEXT PAGE)

Be it enacted by the Legislature of the State of Arizona:

Section 1. Title 15, chapter 7, article 4, Arizona Revised Statutes, is amended by adding section 15-773, to read:

15-773. Transfer of parental rights at age of majority

A. WHEN A PUPIL WITH A DISABILITY REACHES EIGHTEEN YEARS OF AGE, ALL RIGHTS PREVIOUSLY ACCORDED TO THE PUPIL'S PARENT UNDER PART B OF THE INDIVIDUALS WITH DISABILITIES EDUCATION ACT (20 UNITED STATES CODE SECTIONS 1400 THROUGH 1420) AND ALL RIGHTS PREVIOUSLY ACCORDED TO THE PUPIL'S PARENT UNDER THE LAWS OF THIS STATE ARE TRANSFERRED TO THE PUPIL, UNLESS THE PUPIL HAS BEEN DECLARED LEGALLY INCOMPETENT.

B. A PUPIL WITH A DISABILITY WHO IS AT LEAST EIGHTEEN YEARS OF AGE BUT UNDER TWENTY-TWO YEARS OF AGE AND WHO HAS NOT BEEN DECLARED LEGALLY INCOMPETENT, AND WHO MANIFESTS THE CAPACITY TO GIVE AND GIVES INFORMED CONSENT, MAY EXECUTE A DELEGATION OF RIGHT TO MAKE EDUCATIONAL DECISIONS PURSUANT TO THIS SECTION FOR THE PURPOSE OF APPOINTING THE PUPIL'S PARENT OR AGENT TO REPRESENT THE EDUCATIONAL INTERESTS OF THE PUPIL. A STUDENT SHALL HAVE THE RIGHT TO TERMINATE THE AGREEMENT AT ANY TIME AND RESUME THE RIGHT TO MAKE DECISIONS REGARDING THEIR EDUCATION.

C. THE DELEGATION OF RIGHT TO MAKE EDUCATIONAL DECISIONS SHALL MEET ALL OF THE FOLLOWING REQUIREMENTS:

1. CONTAIN LANGUAGE INDICATING THE PUPIL IS EIGHTEEN YEARS OF AGE OR OLDER BUT UNDER TWENTY-TWO YEARS OF AGE.

2. CONTAIN LANGUAGE THAT THE PUPIL INTENDS TO DELEGATE THE PUPIL'S EDUCATIONAL RIGHTS UNDER STATE AND FEDERAL LAW TO A SPECIFIED INDIVIDUAL WHO IS AT LEAST EIGHTEEN YEARS OF AGE.

3. CONTAIN LANGUAGE THAT THE PUPIL HAS NOT BEEN DECLARED LEGALLY INCOMPETENT.

4. CONTAIN LANGUAGE THAT THE PUPIL IS ENTITLED TO BE PRESENT DURING THE DEVELOPMENT OF ANY INDIVIDUALIZED EDUCATION PLAN AND THAT ANY ISSUES OR CONCERNS RAISED BY THE PUPIL WILL BE ADDRESSED.

5. NOT EXCEED ONE YEAR IN DURATION, BUT MAY BE RENEWED WITH THE WRITTEN OR OTHER FORMAL AUTHORIZATION OF THE PUPIL AND THE PERSON WHO ACCEPTS THE DELEGATION EACH YEAR UNTIL THE PUPIL REACHES TWENTY-TWO YEARS OF AGE.

6. CONTAIN LANGUAGE PERMITTING THE PUPIL TO TERMINATE AT ANY TIME.

7. BE SIGNED BY THE PUPIL OR CONTAIN SOME OTHER MANIFESTATION OF ASSENT THAT THE PUPIL HAS AGREED TO THE TERMS OF THE DELEGATION.

8. BE SIGNED OR ASSENTED TO BY THE PERSON WHO ACCEPTS THE DELEGATION.

9. BE NOTARIZED.

D. A NOTARIZED INSTRUMENT THAT IS SIGNED OR ASSENTED TO BY THE PUPIL AND THE PERSON WHO ACCEPTS THE DELEGATION AND THAT IS IN SUBSTANTIALLY THE FOLLOWING FORM SHALL BE PRESUMED TO SATISFY THE REQUIREMENTS OF SUBSECTION C:

DELEGATION OF RIGHT TO MAKE EDUCATIONAL DECISIONS

I, _____, AM EIGHTEEN YEARS OF AGE BUT UNDER TWENTY-TWO YEARS OF AGE AND A PUPIL WHO HAS THE RIGHT TO MAKE EDUCATIONAL DECISIONS FOR MYSELF UNDER STATE AND FEDERAL LAW. I

1 HAVE NOT BEEN DECLARED LEGALLY INCOMPETENT, AND AS OF THE DATE
2 OF THE EXECUTION OF THIS DOCUMENT, I DELEGATE MY RIGHT TO GIVE
3 CONSENT AND TO MAKE DECISIONS CONCERNING EDUCATIONAL MATTERS TO
4 _____, WHO WILL BE CONSIDERED MY "PARENT" FOR THE
5 PURPOSES OF 20 UNITED STATES CODE SECTION 1401 AND WILL EXERCISE
6 ALL THE RIGHTS AND RESPONSIBILITIES CONCERNING MY EDUCATION THAT
7 ARE CONFERRED ON A PARENT PURSUANT TO STATE AND FEDERAL LAW. I
8 UNDERSTAND AND GIVE MY CONSENT THAT _____ WILL MAKE ALL
9 DECISIONS RELATING TO MY EDUCATION ON MY BEHALF. I UNDERSTAND
10 THAT I AM ENTITLED TO BE PRESENT DURING THE DEVELOPMENT OF ANY
11 INDIVIDUALIZED EDUCATION PLAN AND THAT ANY ISSUES OR CONCERNS I
12 MAY HAVE WILL BE ADDRESSED. THIS DELEGATION WILL BE IN EFFECT
13 FOR ONE YEAR FROM TODAY'S DATE AND MAY BE RENEWED ONLY BY MY
14 WRITTEN OR FORMAL AUTHORIZATION. I UNDERSTAND THAT I HAVE THE
15 RIGHT TO TERMINATE THIS AGREEMENT AT ANY TIME AND RESUME THE
16 RIGHT TO MAKE DECISIONS REGARDING MY EDUCATION.
17 E. THE DELEGATION OF RIGHT TO MAKE EDUCATIONAL DECISIONS PURSUANT TO
18 THIS SECTION MAY BE GIVEN IN WRITING, BY AUDIO OR VIDEO MEANS OR IN ANY OTHER
19 ALTERNATIVE FORMAT THAT IS NECESSITATED BY THE PUPIL'S DISABILITY.

APPROVED BY THE GOVERNOR APRIL 4, 2001.

FILED IN THE OFFICE OF THE SECRETARY OF STATE APRIL 4, 2001.

Passed the House March 07, 2001,

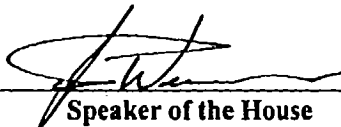
Passed the Senate March 28, 2001,

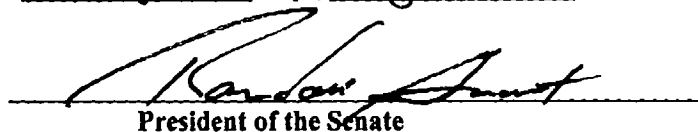
by the following vote: 59 Ayes,

by the following vote: 30 Ayes,

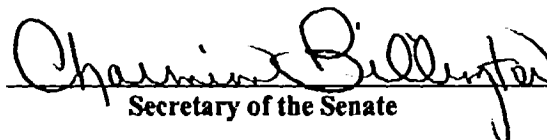
0 Nays, 1 Not Voting

0 Nays, 0 Not Voting


Speaker of the House


President of the Senate


Chief Clerk of the House


Secretary of the Senate

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF GOVERNOR

This Bill was received by the Governor this

29 day of March, 2001,

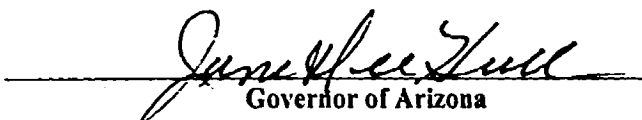
at 1:30 o'clock P M.


Secretary to the Governor

Approved this 7 day of

April, 2001,

at 10:08 o'clock A M.

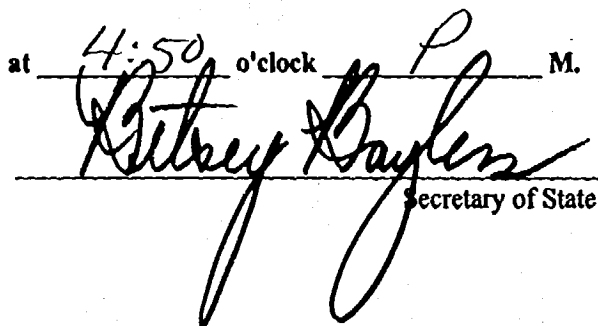

Governor of Arizona

H.B. 2379

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF SECRETARY OF STATE

This Bill was received by the Secretary of State
this 4 day of April, 2001,

at 4:50 o'clock P M.


Secretary of State